

TITLE 11. CALIFORNIA DIVISION OF GAMBLING CONTROL NOTICE OF PROPOSED RULEMAKING

“Separation From Employment: Designation of Division Employees”

The Division of Gambling Control (Division) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION: The Division proposes to adopt California Code of Regulations (CCR), title 11, section 2021 concerning the designation of Division employees who are restricted from acting in certain capacities on behalf of a licensee or applicant upon separation from employment.

PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be scheduled.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Division at any time during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., September 14, 2007.

Written comments for the Division's consideration should be directed to:

Lee C. Adamson, Division Regulations Coordinator
California Division of Gambling Control
1425 River Park Drive, Ste. 400
Sacramento, CA 95815
Telephone: (916) 263-3392
E-mail: lee.adamson@doj.ca.gov
FAX: (916) 263-0928

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, Business and Professions Code sections 19800 et seq. In particular, Business and Professions Code sections 19810, 19826, subdivision (f), and 19981, subdivision (a).

The proposed regulations implement, interpret, or make specific following reference citations: Business and Professions Code sections 19981, subdivision (a).

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Designation of Division Employees - Section 2021

Pursuant to Business and Professions Code section 19981, subdivision (a), the Division shall designate employees who upon separation from employment cannot act in certain capacities on behalf of a licensee or applicant for a period of 3 years. Section 2021 will designate the Division employees subject to the provisions of Business and Professions Code Section 19981, subdivision (a).

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: These regulations do not impose a mandate on local agencies or school districts.

Cost or savings to any state agency: No costs or savings to state agencies will result as a consequence of the proposed regulation.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: No costs to local agencies or schools are required to be reimbursed in accordance with Government Code Section 17561.

Other non-discretionary cost or savings imposed upon local agencies: The proposed regulation does not impose non-discretionary costs or savings imposed on local agencies or school districts.

Cost or savings in federal funding to the state: The proposed regulation will not result in costs or savings in federal funding to the state.

Cost impact on representative private person or business: The Division of Gambling Control is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on Business: The Division of Gambling Control has made a determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: The Division of Gambling Control has made an initial determination that the proposed regulation will not have a significant effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:
The Division of Gambling Control has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Effect on small business: The Division of Gambling Control has made an initial determination that the proposed regulation will have no adverse impact on small business because it does not impose any new requirements on employers nor does it amend any existing requirements impacting small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Division must determine that no reasonable alternative considered by the Division or that has otherwise been identified and brought to the attention of the Division would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Division invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Division has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSON

Inquiries concerning the substance of the proposed action should be directed to:

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California Division of Gambling Control
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Sacramento, CA 95815
Telephone: (916) 263-3392
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AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Division Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting the Division Regulations Coordinator at the address or telephone number listed above or by accessing the Division's website at <http://caag.state.ca.us/gambling/index.htm>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested

from the Division Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following receipt of public comment, the Division may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Division adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of the Division Regulations Coordinator at the address indicated above. The Division will accept written comments on the modified regulation for 15 days after the date on which it is made available.